

1 Richard Gruber
2 # 85152
3 P.O. Box 7000
4 Carson city NV 89702
5

6 United states District Court
7 District of Nevada
8

9 Richard Gruber
10 Pro se Plaintiff

11 — V S —

12 Karen Gedney et al
13 Defendants

Case no. 3:15-cv-00543 RCJ VPC

Plaintiffs Motion For An
Enlargment Of Time To File
A Response To Defendants
Objection To The Report And
Recommendation Of U.S.
Magistrate Judge.
(First Request)

14
15
16
17
18 Comes now, Plaintiff Richard Gruber in prose
19 hereby moves this Honorable Court for an
20 enlargement of time to file "A Response To
21 Defendants objection to the Report and
22 Recommendation of U.S Magistrate Judge."

23 This Motion is based on the following
24 memorandum of points and Authorities, Federal
25 rules of civil procedure 72, and all papers
26 and pleadings on file in this case.
27
28

Memorandum of Points And Authorities

1 The plaintiff received the defendants objection
2 to the report and recommendation of U.S.
3 magistrate Judge on August 23, 2018,

4 Fed R Civ P 6(b)(1) governs enlargement of
5 time as follows:

6 when an act may or must be done within
7 a specified time, the court may, for good
8 cause, extend the time: (A) with or without
9 motion or notice if the court acts, or if
10 a request is made, before the original time
13 or its extension expires; or (B) on motion
14 made after the time has expired if the party
15 failed to act because of excusable neglect,

16 The proper procedure, when additional time
17 for any purpose is needed, is to present a
18 request for extension of time before the time
19 fixed has expired. *Canus v Mississippi Val*
20 *Barge Line CO* 31 FRD 282 (WD PA 1962),

21 Extensions of time may always be asked for,
22 and usually are granted on a showing of
23 good cause if timely made under subdivision
24 (B)(1) of the rule. (*Creedon v Taubman* 8
25 FRD 268 ND Ohio 1947).

26 Plaintiff seeks an enlargement of time to
27 file a response to defendants objection to
28 the report and recommendation of U.S.
29 magistrate Judge.

30

1 Plaintiff's time to file his response has not
2 expired. The request for an enlargement of
3 time is based on the fact that the defendants
4 objection contains a lot of information that
5 the plaintiff needs to rebut, and plaintiff is
6 a pro se litigant. This enlargement of time
7 is not made to prejudice the defense.

8 The original time fixed was 14 days, until
9 September 5, 2018, the plaintiff is requesting
10 an additional 14 days, until September 19, 2018
11 to file his response to defendants objection.

12 Conclusion

13 Based on the foregoing, plaintiff Richard Gruber
14 respectfully requests that his motion for
15 enlargement of time be granted.

16
17 Respectfully submitted
18 X Richard Gruber
19

20 Dated this 23rd day of August 2018
21
22
23

24 Per A.R. 722, this document was prepared
25 by inmate assistant Fred Zinser # 1102031

26 **IT IS SO ORDERED**

27 
28 U.S. DISTRICT JUDGE

DATED: 9/5/2018 3 of 3

CERTIFICATE OF SERVICE ~~XXXXXX~~

Pursuant to FRCP Rule 5 (b), I hereby certify that I am the petitioner named herein and that on this

24th day of August, 2018, I mailed a true and correct copy of the foregoing:

Response To objection, to the following:

U.S District Court

District of Nevada (Reno)

Electronic Filing

AND

Office of The Attorney General

100 N Carson street

Carson City N.V. 89701

X Richard Greuter

Petitioner, In Proper Person

AFFIRMATION
Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, motion for
an enlargement of time.

Filed in case number: 315CV00543 (Title of Document)

☒ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 8-24-18

X Richard Gruber
(Signature)

Richard Gruber
(Print Name)

P60 SE
(Attorney for)

IT IS SO ORDERED

U.S. DISTRICT JUDGE

DATED: _____